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PATENT APPLICATION

RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masaaki IMAI   Group Art Unit: 2122

Application No.: 09/277,373   Examiner: C. KENDALL

Filed: March 29, 1999   Docket No.:   103014

For: DEVICE FOR REWRITING SOFTWARE PROGRAMS IN PERIPHERAL DEVICES
CONNECTED TO A NETWORK

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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AUG 0 9 2004

Technology Center 2100

In reply to the February 23, 2004 Office Action, the period for reply being extended

by the attached Petition for Extension of Time, reconsideration is requested based on the

following remarks.

Applicant appreciates the courtesies extended to Applicant's representative by

Examiner's O Kendall and Dam during the January 22, 2004 personal interview.

Claims 1, 3, 6, 8, 9, 12, 14, 17, 20, 21, 24 and 25 are pending in this application.

Reconsideration based on the above amendments and following remarks is respectfully

requested.

I.   The Claims Define Patentable Subject Matter

Claims 1, 3, 6, 8, 12, 14, 17, 20, 21, 24 and 25 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,706,431 to Otto in view of U.S. Patent No. 5,815,722 to Kalwitz; and claim 9 is rejected under 35 U.S.C. §103(a) as unpatentable over Otto in view of Kalwitz and further in view of U.S. Patent No. 5,737,536 to Herman. These rejections are respectfully traversed.

The applied art does not teach, disclose or suggest a first rewrite unit that when an old/new judgment unit judges that the same type of software program stored in the another peripheral device is older than the software stored in the memory, rewrites the same type of software program stored in the another peripheral into the software program stored in the memory and a second rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is newer than the software stored in the memory, rewrites the software program stored in the memory into the same type of software program stored in the another peripheral device, as claimed in claim 1 and similarly claimed in claims 6, 12 and 17.

The Examiner asserts that the disclosure in column 2, lines 45-58 of Otto allows for revisions to operate automatically through a communications network and nodes in the network are responsible for both detecting when a revision to information in another node is necessary and transmitting the revision to the other node. We disagree with the Examiner's assertion.

The passage of Otto, asserted by the Examiner, is described in relation to the preceding paragraph, column 2, lines 24-44. In other words, the description in column 2, lines 45-58 is to summarize the description in the preceding paragraph. Therefore, in order to correctly understand what is intended to be described, correct and exact understanding of the description in column 2, lines 24-44 is needed.

In column 2, lines 24-44 of Otto, it is described that the revision of second node information stored in a memory of the second node is performed by the first information revising circuitry associated with a first node, and the revision of third node information stored in a memory of the third node is performed by the second information revising circuitry associated with the second node. The first, second and third nodes are included in a communications network.

As is apparent from the above description, what is described in column 2, lines 24-44 is that the first node acts on the second node, and the second node acts on the third node. However, Otto does not disclose that the first node is acted on by the second node.

In contrast, the applicant's claimed invention recites a first rewrite unit that rewrites the same type of software program stored in the another peripheral device (second device) into the software program stored in the memory of the peripheral device (first device), and a second rewrite unit that rewrites the software program stored in the memory of the peripheral device (first device) into the same type of software program stored in the another peripheral device (second device). As such, it is apparent that Otto fails to disclose one of the first rewrite unit and the second rewrite unit. Accordingly, Otto fails to disclose the features recited in the claimed invention.

Assuming arguendo that Otto discloses the first rewrite unit of the claimed invention, there is no disclosure as to the claimed second rewrite unit. Conversely, if it is understood that Otto discloses the second rewrite unit of the claimed invention, there is no disclosure as to the claimed first rewrite unit.

Accordingly, claims 1, 6, 12 and 17 are distinguishable over the applied art for at least the reasons set forth above.

Kalwitz and Herrmann do not make the deficiencies of Otto discussed above. As such, dependent claims 3, 8, 9, 14, 20, 21, 24 and 25 are distinguishable over the applied art

for at least the reasons discussed above as well as for the additional features they recite.

Withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Registration No. 27,075

Kevin M. McKinley
Registration No. 43,794

JAO:KMM/jfb

Attachment:
    Petition for Extension of Time

Date: August 5, 2004

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